IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8311 OF 2005.

Bharat Sanchar Nigam Limited. ... Petitioner.

V/s.

Assistant Provident Fund
Commissioner and others. ... Respondents.

Mrs.Neeta Masurkar for the petitioner.

CORAM: V.C.DAGA, J.

DATED: 6th December 2005.

P.C.:

. Heard learned counsel for the petitioner.

2. This petition is directed against the order 10th October, 2005, whereby by way of pre-deposit the E.P.F. Appellate Tribunal, New Delhi has directed the petitioner to deposit 75% of the amount of provident fund dues determined by the authority-in-original. Subject to deposit of the aforesaid amount, the appellate tribunal directed hearing of the appeal.

3. The learned counsel appearing for the petitioner contends that the liability determined by respondent No.1 in the sum of Rs.74,47,988/- has not been correctly worked out. According to the petitioner, it cannot be more than Rs.18 lakh.

4. On being asked, the learned counsel for the petitioner could not substantiate her submission. She is not in a position to state as to how the figure of 18 lakh has been worked out by the petitioner. No calculation sheet is produced or annexed to the petition. No material is on record to prima facie dislodge the figure worked out by the authority-in-original

5. In the above view of the matter, in absence of any material, I have no option but to affirm the impugned order dated 10th October, 2005. The view taken by the appellate tribunal in the impugned order is a reasonable and possible view. No material is placed on record to take a different view contrary to the view taken by the appellate tribunal. The impugned order cannot be said to be a perverse order.

6. Petition is, thus, dismissed in limine with no order as to costs.

7. At this stage, learned counsel for the petitioner prayed for extension of time to deposit the amount as ordered in the impugned order. In the interest of justice, period is extended by another six weeks from today to comply with the impugned order. Needless to mention that failure

on the part of the petitioner to deposit this amount, it would be open for the appellate authority to pass appropriate order. At the same time respondent can also apply for dismissal of the appeal.

8. All concerned to act on authenticated copy of this order with no order as to costs.

(V.C.DAGA, J.)